

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1-13 are pending; Claim 1 is amended; and Claims 10-13 are newly added. It is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, Claims 1-9 were rejected under 35 U.S.C. § 103(a) as unpatentable over Tone et al. (U.S. Pat. No. 6,824,557, hereafter Tone) in view of Usui (U.S. Pat. No. 6,436,128). For the reasons discussed below, this rejection is respectfully traversed.

Claim 1 has been amended to recite that the planar heat generator has a Canadian Standard Freeness of approximately 600 ml or less. As described in the specification, for example, at page 10, the claimed freeness enables the fibrous material to have a satisfactory ability to fix and hold the metal, thereby assuring satisfactory heat generation performance of the planar heat generator 4. Additionally, with the claimed freeness, it is easy to control the breaking length, which prevents a fall-off of the metal from the planar heat generator 4.

Neither Tone nor Usui, either alone or in combination, discloses or suggests the claimed range of freeness recited in Claim 1. Accordingly, as neither of the applied references, either alone or in combination, discloses or suggests the features of independent Claim 1, from which Claims 2-9 depend, it is respectfully requested that the rejection of Claims 1-9 be withdrawn.

Moreover, it is respectfully submitted that there is no basis in the teachings of either of Tone or Usui to support the applied combination. Certainly, the Office Action fails to cite to any specific teachings in either of these two references to support the applied combination. It is therefore respectfully submitted that this combination is the result of hindsight

reconstruction based on the Applicants' own inventive disclosure in the present specification, and is improper.

Newly added Claims 10-13 recite features previously disclosed in the specification that are also believed to patentably distinguish over the references of record. Support for new Claims 10-13 may be found, at least, for example at pages 12, 13, and 16 of the specification. Accordingly, it is respectfully submitted that no new matter is added by Claims 10-13, and that Claims 10-13 are in condition for allowance.

Additionally, Applicants note that a PTO 1449 form for another application appears to inadvertently have been included in the prosecution file for the above-identified application. As discussed with Examiner Johnson on May 31, 2005, this PTO 1449 form (date-stamped March 26, 2004 for Applicant Milton Rodriguez) will be removed from the above-identified application. Applicants thank Examiner Johnson for the courtesy of the telephone interview granted to Applicants' representative.

Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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